

REMARKS

In response to the Office action dated October 17, 2007 Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 3-17 are pending in the present application. Claims 1, 2 and 18 and 19 have been previously cancelled. The Applicants gratefully acknowledge that the Examiner has indicated that the present application includes allowable subject matter. The Examiner has stated that claims 3-17 are in condition for allowance. Claims 6 and 12-17 have been amended, leaving claims 3-17 for consideration upon entry of the above amendments and the following remarks.

No new matter has been introduced by the above amendments or the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Formal Matters

The Examiner states that claim 6 contains some awkward language. Particularly, the Examiner states that the phrase "whether normality or not to the microprocessor" should be corrected to read "whether there is normality or not..." In addition, the Examiner states that there exists awkward language in lines 13-14 of claim 6.

In response, Applicants have amended the phrase "whether normality or not to the microprocessor," to read "whether there is normality or not to the microprocessor," as suggested by the Examiner. Applicants have also amended lines 13-14 of claim 6 to further clarify the claimed invention.

The Examiner states that in claims 12-14, the phrase "like a crater of a gently slant ridgeline," is unclear. In addition, the Examiner states that the phrase "drilled top surface H" is unclear as referring to an H-shape or a surface labeled as H in the drawing.

In response, Applicants have amended the phrase "like a crater of a gently slant ridgeline," to read "a blood sugar detecting unit configured to be easily inserted in an external auditory meatus," in order to further clarify claims 12-14. In addition, Applicants have amended the phrase "drilled top surface H" to read, "drilled top surface," since "H" is merely a reference character, which refers to a top surface of the body portion 209, within FIG. 1.

The Examiner states that in claims 15, 16 and 17, the element a “long pass filter,” is unclear. In addition, the Examiner states that there is some question as to what the “radiation line” recited within the claims and specification represent.

Applicants respectfully submit that the element “long pass filter” is sufficiently disclosed and clearly described within the specification at page 13, line 28 through page 14, line 16. Applicants have also amended claims 15, 16 and 17 in order to further define the “radiation line.” Specifically, Applicants have amended claims 15, 16 and 17 and the specification to include the phrase “which is a radiation of a particular wavelength,” to further define the “radiation line.”

Oath/Declaration

The Examiner further states that the oath or declaration is defective. Specifically, the Examiner states that the phrase “material to examination” should be corrected to read “material to patentability and “§1.56(a)” should be corrected to read “§1.56.” Therefore, a new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. (See MPEP §§ 602.01 and 602.02).

A new/corrected declaration is being submitted herewith reflecting the corrections suggested by the Examiner.

According, it is respectfully requested that any further holding that the declaration is defective be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: /James J. Merrick/
James J. Merrick 43,801
Confirmation No. 9156
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115

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